

UNITED STATES DISTRICT COURT
DISTRICT OF SOUTH DAKOTA
SOUTHERN DIVISION

AMIR HASAN BEAUDION, JR.,

Plaintiff,

vs.

DR. KLEINSASSER, doctor, Human Services Center, official capacity; JUDGE HOUWMAN, judge, Minnehaha County Judge, official capacity; DR. SOMAPALLI, doctor, Human Service Center, official capacity; and Mr. Fillaus, nurse, Human Service Center, official capacity;

Defendants.

4:25-CV-04122-KES

ORDER GRANTING PLAINTIFF'S MOTION FOR LEAVE TO PROCEED IN FORMA PAUPERIS AND REQUIRING PLAINTIFF TO PAY AN INITIAL PARTIAL FILING FEE

Plaintiff, Amir Hasan Beaudion, Jr., an inmate at the Minnehaha County Jail, filed a pro se civil rights lawsuit. Docket 1. Beaudion moves for leave to proceed in forma pauperis and submitted a copy of his prisoner trust account report. Dockets 2, 3.

Under the Prison Litigation Reform Act, a prisoner who "brings a civil action or files an appeal in forma pauperis . . . shall be required to pay the full amount of a filing fee." 28 U.S.C. § 1915(b)(1). The court may, however, accept partial payment of the initial filing fee where appropriate. Thus, "[w]hen an inmate seeks pauper status, the only issue is whether the inmate pays the

entire fee at the initiation of the proceeding or over a period of time under an installment plan.” *Henderson v. Norris*, 129 F.3d 481, 483 (8th Cir. 1997) (per curiam) (alteration in original) (quoting *McGore v. Wrigglesworth*, 114 F.3d 601, 604 (6th Cir. 1997)).

The initial partial filing fee that accompanies an installment plan is calculated according to 28 U.S.C. § 1915(b)(1), which requires a payment of 20 percent of the greater of:

- (A) the average monthly deposits to the prisoner’s account; or
- (B) the average monthly balance in the prisoner’s account for the 6-month period immediately preceding the filing of the complaint or notice of appeal.

Beaudion reports an average monthly deposit of \$20.00 and an average monthly balance of \$30.00. Docket 3 at 1. Based on the information regarding Beaudion’s prisoner trust account, the court grants Beaudion leave to proceed in forma pauperis, but he must pay an initial partial filing fee of \$6.00 (20 percent of his average monthly balance). Beaudion must pay the initial partial filing fee of **\$6.00 by August 10, 2025**. Failure to pay the initial partial filing fee by August 10, 2025, will result in dismissal without prejudice of Beaudion’s complaint for failure to prosecute.

Thus, it is ORDERED:

1. That Beaudion’s motion for leave to proceed in forma pauperis (Docket 2) is granted. Beaudion must make a payment of **\$6.00 by August 10, 2025**, made payable to the Clerk, U.S. District Court. If Beaudion does not pay the initial partial filing fee by August 10, 2025, his complaint will be dismissed without prejudice for failure to prosecute.

2. That the Clerk of Court will send a copy of this order to the appropriate financial official at Beaudion's institution.
3. That the institution having custody of Beaudion is directed that whenever the amount in Beaudion's trust account, exclusive of funds available to him in his frozen account, exceeds \$10.00, monthly payments that equal 20 percent of the funds credited the preceding month to Beaudion's trust account shall be forwarded to the U.S. District Court Clerk's Office under 28 U.S.C. § 1915(b)(1) until the \$350 filing fee is paid in full.

Dated July 10, 2025.

BY THE COURT:

/s/ Karen E. Schreier

KAREN E. SCHREIER
UNITED STATES DISTRICT JUDGE